

Application No.: 10/554,075
Filing Date: September 6, 2006

REMARKS

By way of summary, Claims 1-8 and 11-21 are pending prior to entry of this amendment. By this paper, Claims 1 and 21 are currently amended and Claims 2-8 and 11-20 remain as previously presented. Thus, Claims 1-8 and 11-21 are presently pending and presented for consideration.

Written Request for Interview

Applicant hereby respectfully requests the Examiner to grant an interview before another Office Action is prepared or mailed for this application. Accordingly, Applicant hereby respectfully requests the Examiner to contact Applicant's representative, Sabin Lee (phone: 949 721-6360) or Todd Reynolds (phone: 949-721-5335) to schedule such an interview.

Rejections under 35 U.S.C. § 103

Claims 1-4, 7, 8, 11-13, and 17-21 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over JP 09-235617 ("Kondo"). Applicant respectfully disagrees with this rejection, but to expedite prosecution, Claim 1 has been amended to recite, in part, "wherein the seamless steel tube has a microstructure formed by re-heating to austenitic temperature followed by a tempering treatment that results in a microstructure having grains with an average diameter less than 20 microns." Applicant submits that Kondo does not disclose or render obvious amended Claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 1 and pass this claim to allowance.

Claims 2-8 and 11-21 depend from Claim 1 and, therefore, include each of the features of Claim 1. Claims 2-8 and 11-21 are believed to be allowable over the cited art for at least the reasons discussed above, and also because of the unique combination of features recited therein.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather,

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any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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